

*Davlin*

FBI - AUSTIN

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

2011 NOV -4 AM 11:42

United States of America

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v.

Archie Jamar JENKINS

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Case No.

*A-11-m-869*

BY \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
AUSTIN OFFICE, TEXAS*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/29/10 to 3/16/11 in the county of Travis and Williamson in the Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 1344	Bank Fraud
18 USC 514	Fictitious Obligations
18 USC 371	Conspiracy to commit offense or to defraud United States

This criminal complaint is based on these facts:

See attached complaint:

Continued on the attached sheet.

*David M. Konopczky*

Complainant's signature

David M. Konopczky, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/4/11*Andrew Austin*

Judge's signature

City and state: Austin, TXAndrew Austin, Magistrate Judge

Printed name and title

AUSA Matt Devlin

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

----- )  
UNITED STATES OF AMERICA

vs.

ARCHIE JAMAR JENKINS  
----- )

CRIMINAL NUMBER \_\_\_\_\_

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David M. Konopczyk, Special Agent, United States Secret Service, Austin, Texas, being duly sworn, depose and state the following:

1. I am a Special Agent of the United States Secret Service (USSS) and have been so employed for over 12 years. In this capacity, I have received extensive training and have experience in conducting investigations related to false identification. In addition, my other duties and responsibilities include the investigation of alleged violations of federal criminal laws involving fraud in connection with computers, bank fraud, identification fraud, and counterfeiting.

2. I respectfully submit this affidavit in support of a Criminal Complaint against Archie Jamar JENKINS.

**The Statutes Violated**

3. Title 18, United States Code, Section 1344: Bank Fraud
4. Title 18, United States Code, Section 514: Fictitious Obligations
5. Title 18, United States Code, Section 371: Conspiracy

**The Offense**

6. The Expedited Funds Availability Act (EFAA), was enacted by Congress in 1987 for the purpose of standardizing hold periods on deposits made to commercial banks. Currently, the EFAA requires banks to provide that at least \$200 be made available to customers no later than the next business day after a deposit.

7. On or about 2/22/11, I was informed by Detective Chanoa Aceveda, Round Rock, TX Police Department that he identified Archie Jamar JENKINS as perpetrating a bank fraud conspiracy involving fraudulent deposits and withdrawals made at Austin, TX area ATM machines. According to Det. Aceveda, JENKINS recruited people to knowingly open bank accounts in their true names and turn control of the accounts over to JENKINS for the purpose of committing fraud. JENKINS then used these accounts to conduct fraudulent ATM deposit transactions in which he claimed to deposit cash or checks in various amounts while simultaneously submitting empty envelope deposits. In accordance with the EFAA, the false deposits temporarily caused funds to be available for withdrawal from the bank and JENKINS quickly made fraudulent withdrawals against the accounts.

8. I met with Detective Aceveda of the Round Rock, TX Police Department (RRPD). On 11/30/10, RRPD was dispatched to a Wells Fargo (WF) Bank located at 505 Round Rock Avenue, Round Rock, TX for a suspicious incident call involving WF account holder Ronald Dewayne Henry. Henry was at the WF branch attempting to withdraw \$475.00 from his WF account. Henry was with a black female identified as Wykeitha Rushing Marshall. WF called RRPD because Henry's account had been flagged for fraud abuse. According to WF Branch Manager Sharon Mackenzie, the Henry account was opened on 11/29/10 at the Parmer Lane Branch with a \$100 deposit.. Then on 11/30/11, 38 empty envelope deposits were made into the account, with the keyed amount of \$2,479.00, and with subsequent cash withdrawals totaling \$1,500.00. Henry was taken to the RRPD where he was interviewed post Miranda. Henry stated to Det. Aceveda that on 11/29/10, he was recruited by Wykeitha Rushing Marshall and another female named Britney Davis to open the WF account. Marshall and Henry went to the WF branch located at Palmer and IH35. Once the account was opened, Henry was supposed to give the paperwork over to Davis. In return he would be paid \$100.00. After the account was opened, Henry, Marshall and Davis met at the Panda Express Restaurant located on HWY 79. Henry turned over all of the bank paperwork to Davis. Davis then called another individual to come meet with them. The other individual who showed up was a black male with a pink Mohawk, driving a dark colored BMW vehicle. Henry then observed Davis turning over the bank paperwork to this black male. Henry stated that he knew the male only as "Brandon". Det. Aceveda concluded the interview and left it in Henry's hands to find out more about "Brandon".

On 12/1/10, Henry contacted Aceveda and informed him that the individual, whom he previously thought was named "Brandon", is actually named Archie. Henry indicated that he received his information from Wykeitha Marshall. WF incurred a loss of \$2,400.00 from the Henry account.

9. Det. Aceveda also found that on 11/30/10, at 2:02am and 2:38am, the Ronald Henry WF Debit card was used to make two (2) purchases at a Wal Mart located at 4700 E. Palm Valley Blvd., Round Rock. The first purchase was for \$942.00 and the second was for \$1,042.00. A review of the Wal Mart surveillance footage reveals that the person using the debit card at this time was a black male with a pink Mohawk.

10. On 12/28/10, Detective Aceveda positively identified the black male with the pink Mohawk as Archie Jenkins. The information came from individual identified as Pablo Segura. Segura also opened a Wells Fargo account on behalf of JENKINS.

11. On 9/26/11, WF Investigator Robert Fernandez provided your affiant with bank surveillance ATM footage of Archie JENKINS using the Ronald Henry ATM card on 11/30/10. JENKINS is shown with a pink Mohawk.

12. On 5/13/11, Austin Police Detective (APD) Martin Taylor informed me of a pending APD case involving Archie Jenkins. In this case, on 4/1/11, an individual identified as Zachary Humphries presented himself at Capitol One Bank located in Austin, TX. Humphries was there to voluntarily inform the bank of his previous involvement of a fraud scheme and to apologize.

13. Humphries explained that he opened three bank accounts at the request

of an individual known to him as Archie JENKINS. The banks involved are Capitol One, Wells Fargo and Bank of America (BofA). JENKINS agreed to pay Humphries \$800 for opening the accounts and turning over the associated account paperwork. Humphries complied but was paid only \$500. Humphries was eventually notified by all three banks that his accounts were being closed as fraudulent.

14. Detective Taylor and I interviewed Humphries in Manor, TX. HUMPHRIES reiterated the same story that he previously told Capitol One Bank personnel. Humphries opened the accounts on behalf of JENKINS, handing over any subsequent bank cards and paperwork to him in exchange for \$500. Humphries identified JENKINS in a six pack photo array.

15. On 3/16/11, the Humphries BofA account (#586024241084) was opened with a \$25.00 deposit. Later the same day, a \$1,650.00 fraudulent check was deposited into the Humphries account at the BofA ATM located at 1148 Airport Blvd, Austin, TX. Surveillance video taken at the ATM depicts JENKINS making the deposit in a white sedan.

16. On 3/16/11, a person or persons unknown withdrew \$120.00 from the Humphries account at an ATM in Dallas, TX and also a \$53.65 check card purchase was made at an HEB in Austin, TX. BofA closed the Humphries account with a loss of \$162.65.

17. Through investigation, your affiant has determined that JENKINS has, in a similar way, schemed and defrauded at least three other banking institutions while conspiring with at least fifteen other individuals causing an approximate fraud loss of

\$40,000.00.

18. Based on the forgoing facts, there is probable cause to believe that JENKINS did knowingly execute, or attempt to execute, a scheme or artifice, to defraud a financial institution; or to obtain any of the monies, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises in Violation of 18 United States Code 1344.

19. Based on the forgoing facts, there is probable cause to believe that JENKINS did with intent to defraud passed, uttered and presented a fictitious obligation within the United States in Violation of 18 United States Code 514.

20. Based on the forgoing facts, there is probable cause to believe that Archie Jamar JENKINS did conspire with others to commit offenses against the United States, and to defraud the United States in Violation of 18 United States Code 371.

21. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



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David M. Konopczyk  
Special Agent  
United States Secret Service

Sworn to before me this  
11 day of November, 2011



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United States Magistrate Judge  
Western District of Texas